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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 February 1998]

National institutions for the promotion and protection of human rights in Central America

1. The Commission for the Defense of Human Rights in Central America (CODEHUCA), as a regional human rights organization of civil society in Central America, continues to believe that it is necessary and important to monitor the work of the offices of the human rights procurators and ombudsmen in the isthmus, bearing in mind the role which these bodies have to play in defending the rights of the inhabitants of the region. Today, all the Central American countries, with the exception of Belize, have such institutions. Those in El Salvador and Costa Rica are perhaps the ones that work most effectively.

2. The Office of the Human Rights Procurator in El Salvador, and especially Mrs. Victoria Velázquez de Avilés, continue to be noted not only for their work but also for the recognition of the Salvadoran people, which ranks the Office as the State institution with the greatest credibility, even having more credibility than human rights NGOs themselves. There is a strong fear among civil society that, as the years pass, the purposes for which the Procurator's Office was established may be lost sight of and forgotten. It is feared with good reason that the institution may be eroded and transformed into yet another bureaucratic institution. CODEHUCA considers that it is the task both of the Salvadoran people and of the staff members of the institution concerned to make sure that no one loses sight of the original objective of the Procurator's Office.

3. For its part, the Office of the Ombudsman in Costa Rica, with a very small staff (81 persons), has been carrying out excellent work. Many of its recommendations are heeded by the State institutions to which they are directed. It is pursuing its recognized work with complete independence and impartiality and has resources that facilitate its task. It must be pointed out, however, that the change of ombudsman has caused some uncertainty and concern among several segments of civil society in Costa Rica, especially because of the way in which the new incumbent was appointed. The appointment was marked by political bargaining. As we have indicated on other occasions, the qualities of the ombudsperson, Mrs. Sandra Piszk, are in no way called into question. Our criticism is rather directed at the politicization of an appointment that must be characterized essentially by impartiality.

4. This concern extends beyond the boundaries of Costa Rica, since we are speaking of a deficiency that affects all the region's institutions. The danger is that such politicization, whether now or in the future, may primarily serve the interests of one party or one small political group at the expense of the interests of society as a whole. This would undermine the role of the institution, which has emerged in the region as a relevant and necessary development.

5. The Procurator's Office of Guatemala has had a lower standing in the past two years. The decisions of Mr. García Laguardia on the raising of electricity charges, the delay in issuing important decisions on controversial civil and political rights issues and the excessive concentration of activities in his own hands have meant that the institution has lost credibility among the public. In addition, the inefficiency of the judiciary and the prosecution service, together with the virtual lack of any investigation by the Procurator's Office, ultimately make it impossible to

identify the perpetrators of human rights violations. In 1997 the Procurator's Office received more criticism than praise from various segments of Guatemalan society. This contrasts particularly with the role it should be playing at an important stage in the life of Guatemala, with regard to the peace process and concerning the improved enjoyment and full realization of human rights. We therefore conclude that the Procurator's Office needs more resources to meet the requirements of its support services and its policy of outreach.

6. The Office of the Human Rights Procurator in Nicaragua is one of the latest institutions to have been created, and the consultation process, if not the most broad and participatory, certainly received the greatest attention. The various segments of Nicaraguan society took part in developing the legal framework for the institution.

7. The Office of the Commissioner for the Defence of Human Rights in Honduras is performing a good role. Although the process of setting up the institution was quite long, its work is beginning to be viewed positively by the various segments of Honduran society. The Commissioner's statements appear to be having results and his tough stance against impunity has brought him closer to the organizations defending human rights in Honduras. However, the fact of not issuing decisions means that the Commissioner has become a spokesman on the grave political and social problems in Honduras, but is not focusing on individual cases. CODEHUCA hopes that, with the entry into force of the Organization Act, this Office will begin to issue decisions on specific cases.

8. The Office of the Ombudsman in Panama began operating in the middle of last year, but did not open its doors until January 1998. In this connection, we wish simply to express our satisfaction with the fact that Panama, like other Central American countries, now has such a supervisory institution.

9. At the regional level, CODEHUCA is concerned that the Consultative Committee of the Central American Council of Procurators may have become a purely formal and ineffective body. It should be recalled that the Committee was set up to support the Central American Council of Procurators and to advise it on specific regional human rights issues.

10. The gap between the work of these supervisory bodies and the organizations of civil society remains very large. There is virtually no coordination or consultation between them - and, when there is, it is isolated and unsystematic - although their work pursues the same goals. As already indicated, we consider that closer and more effective coordination is needed between these State bodies and the organizations of civil society in order to conduct joint monitoring of human rights violations and work towards the further promotion of human rights. CODEHUCA has reiterated the need for the procurators and the organizations of civil society to work together to share their expertise and seek joint solutions to the problems encountered.

11. We have indicated that for improved efficiency the procurators must enjoy the greatest possible political and operational independence. Independence does not, of course, mean that they have to be dissociated from the State. The laws on the respective procurators' offices set limits to the powers of the legislative and executive branches. We still have the impression that, with the exception of the Office of the Ombudsman in

Costa Rica, these institutions enjoy very little State support in the region, as can be seen from their inadequate budgets and the lack of political will to act on their recommendations.

12. Furthermore, the staff of the procurators' offices should be drawn from the society to which they belong, in particular including people with experience of work in the field of human rights. The human rights NGOs have large and experienced staff who could help to revitalize the work of the procurators' offices.

13. CODEHUCA, as a regional body which has campaigned for almost two decades for the protection and promotion of human rights in Central America, and aware of the strengths and weaknesses of the procurators' offices of the region and of the political and economic context within which they operate, wishes to make the following recommendations:

(a) The international community must continue to support these institutions; its contribution is necessary and essential;

(b) Central American governments must appreciate more fully the importance of these supervisory bodies for strengthening democracy and the rule of law in their countries;

(c) Procurators should further decentralize their work and improve the training of staff in the local support services.

(d) Closer relations should be established between the various organizations of civil society and the procurators, since both would benefit from the sharing of expertise;

(e) There must be a commitment on the part of the procurators and their staff and of civil society to ensure that the purposes for which these institutions were established are not forgotten in the course of time;

(f) The procurators and ombudsmen must make the Central American Council of Procurators a real and not a formal entity, a vital and active institution, not a bureaucratic one. It would thus be able to make a significant and meaningful contribution to the process of regional integration.